

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION

AMBER YBARRA  
ADC #710487

PLAINTIFF

v. No. 1:19-cv-24-DPM

DENNIS McGINNIS, III, Sergeant,  
McPherson Unit, ADC; LINDA LOUIS,  
Major, Chief of Security; TONI BRADLEY,  
Warden, McPherson Unit, ADC; JOHN  
HERRINGTON, Deputy Warden, PREA  
Manager, McPherson Unit, ADC; and  
WENDY KELLEY, Director, ADC

DEFENDANTS

ORDER

Unopposed recommendation, *No* 12, adopted as modified. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). Ybarra's complaint will be dismissed for failure to state a claim, but the dismissal is without prejudice. This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g). An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

*24 July 2019*